

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RASTELLI PARTNERS, LLC,
RASTELLI BROTHERS, INC. D/B/A
RASTELLI FOODS GROUP,
RAYMOND M. RASTELLI, JR. and
RAYMOND RASTELLI, III,

Plaintiffs,

vs.

JAMES A. BAKER a/k/a AL
BAKER, BRITTANI BAKER and
SABRINA BAKER,

Defendants.

CIVIL NO.

1:23-CV-2967-RBK-AMD

DF VENTURES, LLC and
DAYMOND JOHN,

Plaintiffs,

vs.

FOFBAKERS HOLDING
COMPANY, LLC, JABEZBAKER,
LLC, JAMES A. BAKER a/k/a AL
BAKER, *individually*, BRITTANI BO
BAKER, *individually*, SABRINA
BAKER, *individually*,

Defendants.

CIVIL NO.

1:23-CV-3126-RBK-AMD

**AFFIRMATION OF LAWRENCE FOX IN SUPPORT OF PLAINTIFFS'
JOINT ORDER TO SHOW CAUSE FOR CONTEMPT**

LAWRENCE FOX deposes and states, under penalty of perjury, that the following is true:

1. I am older than twenty-one years of age, and am of sound mind and competence to testify. The statements in this Affirmation are based upon my own personal knowledge and understanding.

2. I am counsel to Plaintiff, Daymond John in the above-titled action under Index No. 23:3126. As such, I am familiar with the facts and circumstances described herein.

3. I hereby submit this Affirmation in further support of Plaintiffs' Joint Order to Show Cause.

A. PROCEDURAL BACKGROUND

4. I hereby incorporate by reference the Affirmation of Daymond John in Support of Plaintiffs' Joint Order to Show Cause For Contempt dated October 23, 2023. Civ. No. 23-2967, ECF No. 75-3.

5. On October 27, 2023, this Court issued a Court Order (the "October 27 Order") finding Defendant, Brittani Baker in civil contempt of Court and ordering Ms. Baker to permanently delete all public comments that violate the Court's July 21 Order by 11:59 p.m. on October 27, 2023.

6. In addition, the October 27 Order stated that if Ms. Baker failed to comply, fines would be assessed against her as follows: (i) starting Saturday,

October 28, 2023, one thousand dollars (\$1,000) for each day that any violating public comment remains online and (ii) starting immediately, ten thousand dollars (\$10,000) for each new public post Ms. Baker makes, whether written or spoken that violates the Court's July 21 Order.

B. NEW AND CONTINUING VIOLATIONS

7. After the Court's October 27, 2023 Order, Plaintiffs continued to monitor Defendants' social media activity to determine compliance.

8. Late on October 27, 2023, Defendant, Brittani Baker posted two videos to the @bubbasqfoodtrucks TikTok page that were clearly in violation of all prior Orders from this Honorable Court.

9. On October 28, 2023 at 9:38 a.m., a member of the Gordon & Rees team downloaded the first new TikTok video posted on the @bubbasqfoodtrucks TikTok page on that date. A true and accurate copy of this recording will be provided with this Affirmation as **Exhibit A** via an external hard drive filed with the papers.

10. On October 28, 2023 at 9:39 a.m., a member of the Gordon & Rees team downloaded the second new TikTok video posted on the @bubbasqfoodtrucks TikTok page on that date. A true and accurate copy of this recording will be provided with this Affirmation as **Exhibit B** via an external hard drive filed with the papers.

11. On October 29, 2023 at 1:22 p.m., a member of the Gordon & Rees team downloaded the third new TikTok video posted on the @bubbasqfoodtrucks TikTok

page on that date. A true and accurate copy of this recording will be provided with this Affirmation as **Exhibit C** *via* an external hard drive filed with the papers.

12. On October 30, 2023 at 3:08 p.m., a member of the Gordon & Rees team downloaded the **fourth** new TikTok video posted on the @bubbasqfoodtrucks TikTok page on that date. A true and accurate copy of this recording will be provided with this Affirmation as **Exhibit D** *virtually via* email and with an external hard drive filed with the papers.

13. In addition to the above-mentioned posts on the @bubbasqfoodtrucks page, I, along with counsel for the Rastelli Plaintiffs, observed that Defendant, Brittani Baker re-posted two of these new posts on the @bubbazq TikTok page, namely those referenced herein as **Exhibits A and D**.

14. On or about October 29, 2023, I took screenshots of many new comment posts made after the October 27 Order that were posted by Defendant, Brittani Baker on Tik Tok on the videos referenced herein as **Exhibits A-D** that are further violations of the Court's October 27 Order. A true and accurate copy of those screenshots, which are merely a sample of the new comments posted, is attached hereto as **Exhibit E**. I personally read between 60-75 new posts.

15. On or about October 31, 2023 at approximately 11:25 a.m., a member of the Hyland Levin Shapiro LLP team took screenshots of many new comment posts made by Defendant Brittani Baker on just *one* of her new videos, namely the

video referenced herein as **Exhibit D**, which was posted after the October 27 Order on or around October 30, 2023. A true and accurate copy of those screenshots, which are merely a sample of the new comments posted, is attached hereto as **Exhibit F**.

C. IRREPARABLE HARM TO PLAINTIFFS

16. The posts referenced *supra* have already begun to cause, and will continue to cause, further irreparable harm to Plaintiffs' reputations, goodwill, credibility, value and/or businesses.

17. The Court's July 21 Orders noted that the content contained in Defendants' posts was undeniably negative, disparaging, or false, and that their publication caused irreparable harm to Plaintiffs. *See* Civ. No. 23-3126, ECF No. 48; Civ. No. 23-2967, ECF No. 41.

18. The new posts, and the re-posted posts, contain exactly the type of content that the Court's July 21 Order was meant to prohibit, and are in further violation of the Court's explicit directions in its October 27 Order.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: November 2, 2023



Lawrence Fox